

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

HEARING DATE: 06/22/17
HEARING TIME: 09:30 a.m.
HEARING PLACE: Binghamton, NY

In Re:

EDWARD F. MILLER,

SSN: xxx-xx-1575

Debtor.

Case No.: 17-60023
Chap. 7

**MOTION of the CHAPTER 7 TRUSTEE to DISMISS CASE PURSUANT TO
11 U.S.C. §707(a)(1) for FAILURE TO APPEAR AT 11 U.S.C. §341(a) MEETING,
FAILURE TO COOPERATE WITH THE TRUSTEE, and, IN THE ALTERNATIVE, TO
EXTEND TIME TO FILE COMPLAINT FOR DENIAL OF DISCHARGE**

The undersigned Chapter 7 Trustee ("Trustee") in furtherance of his duties and responsibilities pursuant to 11 U.S.C. §704 makes application for an order dismissing this Chapter 7 case.

In support thereof, the Trustee represents as follows:

1. The Debtor commenced this Chapter 7 case by filing a voluntary petition on 01/12/2017.
2. The undersigned was appointed Chapter 7 Trustee on 01/12/2017.
3. The U.S. Bankruptcy Clerk's office gave notice of the scheduling of the meeting of creditors pursuant to Federal Rule of Bankruptcy procedure 2002(a)(1).
4. The Debtor did appear at the originally scheduled meeting (02/13/17) which meeting was then continued to 02/27/17 at the same location, pursuant to Bankruptcy Rule 2003(e). The debtor did not appear at the 02/27/17 meeting, it being the case that the parties had agreed that the Debtor needed to provide considerable information and that it was understood that it would take some time to do so. The meeting was continued to 03/13/17, at which time the information had not yet been provided and the Debtor did not appear, and the meeting was continued to 03/27/17. The Debtor did not appear on 03/27/17, nor was the requested information yet provided, and the meeting was continued to 04/10/17. The Debtor did appear for the 04/10/17 meeting, but the requested information was not provided and the meeting was further continued to 04/24/17. The Debtor did not appear for the 04/24/17 meeting, nor provide the requested information, and the meeting was

further continued to 05/08/17. The Debtor did not appear for the 05/08/17 meeting, nor provide the requested information, and the meeting was further continued to 05/22/17. The Debtor failed to appear at the 05/22/17 adjourned 11 U.S.C. §341(a) meeting, nor was the requested information provided, and that meeting is now further adjourned to 06/12/17.

5. The Debtors' failure to provide the information which the Trustee requires in order to administer this case, and failure appear for examination at the continued meetings, impedes the Chapter 7 Trustee's ability to administer this case and constitutes an unreasonable delay that is prejudicial to creditors.

6. The Trustee has already previously sought and obtained an Order (Docket 28) extending the bar date such that the time to file a complaint objecting to discharge is presently established as 07/14/17. In the event the Court decides not to dismiss this case upon this motion, your deponent believes that it cannot be determined whether grounds exist for the denial of a discharge within the time period now in place for the filing of complaints, and believes that an additional ninety (90) days are necessary for that purpose, and this motion has been filed within the time period presently set for filing complaints objecting to discharge.

7. No prior application seeking the relief requested herein has been filed.

WHEREFORE, the Trustee respectfully requests that the Court enter an order dismissing this case pursuant to 11 U.S.C. §707(a)(1), or, in the alternative, that the Court grant an extension of ninety (90) days from the date now in place within which complaints objecting to the discharge of the Debtor may be filed, together with such other and further relief as may be deemed just and proper.

Dated: May 24, 2017.

/s/ L. David Zube
L. David Zube, Trustee
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Binghamton, New York 13901
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